

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELLE LAMPKIN, and LOUIS R.
LAMPKIN, Jr.,

Plaintiffs,

v.

LOUIS A. GAPPA, and GAPPA FUEL
OIL COMPANY, INC.,

Defendants.

CIVIL ACTION

No. 10-3015

ORDER

AND NOW, this 18th day of March, 2012, for the reasons discussed in the accompanying memorandum, it is hereby **ORDERED** that defendant Gappa Fuel Oil Company Inc.'s motion to dismiss (Docket No. 21) is hereby **GRANTED IN PART** and **DENIED IN PART**, and count one of the amended complaint (Docket No. 20) is **DISMISSED** with prejudice as to Gappa Fuel Oil Company Inc. It is further **ORDERED** that Gappa Fuel Oil Company Inc.'s motion to dismiss defendant Louis P. Gappa's cross-claims (Docket No. 23) is hereby **GRANTED**, and the cross-claims (Docket No. 22) are **DISMISSED** with prejudice.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.